IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9355 of 2004

Between:

M.S.Sheshi Kumar S/o Sambandam
H.No.6-7-47, Shankarappa Street, DL Road, Indupur,
Ananthapur Dist

..... PETITIONER

AND

The Deputy Commissioner of Prohibition and Excise Ananthapur Division
at Ananthapur,

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent in insisting to furnish Bank guarantee for giving interim custody of vehicle bearing No. APO2V-4858 as seized in crime No.30/04-05 on the file of Excise station , Indupur to the cost of the vehicle instead of accepting the 3rd party security or property surity for relase of the said vehicle in file Cr.No.282/2004/B2 on the file of the respondent, as illegal, unlawful, contrary to law and against the orders of Division Bench of the Hon'ble High Court in WA.No.547/2003 and consequenlty direct the respondent to give interim custody of the vehicle bearing No. AP02V-48 58 to the Petitioner on his furnishing 3rd party security or property surity instead of Bank guarantee to the cost of the Vehicle with giving undertaking of further usual terms for release of the vehicle pending final proceedings.

Counsel for the Petitioner:MR.M.DAMODAR REDDY

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

Heard the learned Counsel for the petitioner and also the learned Government Pleader for Prohibition and Excise appearing on behalf of the respondent.

The only grievance of the petitioner in this Writ Petition is that while releasing the vehicle, which has been taken into custody, the respondent is insisting to furnish bank guarantee to the cost of vehicle instead of accepting the 3rd party security or property surety. The petitioner is submitted that it is not possible for him to furnish bank guarantee, but he can furnish 3rd party security

Having regard to the above, there cannot be any impediment in giving such 3rd party security.

The Writ Petition is, accordingly, disposed of directing the respondent herein to permit the petitioner to furnish 3rd party security to the satisfaction of the authority. No costs.

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B.PRAKASH RAO, J.

Dated 23-07-2004.

Note: Issue C.C. in one week.

B/O

SKMR

To

1. The Deputy Commissioner of Prohibition and Excise Ananthapur Division at Ananthapur,

2. 2CCs to G.P. for Prohibition and Excise, High Court Buildings,

Hyderabad, A.P. (OUT).

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